

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Kirtan Khalsa
United States Magistrate Judge**

Clerk's Minutes

Grano v. State of New Mexico et al.

Civ. No. 20-147 PJK/KK

Friday, April 29, 2022, at 1:30 p.m.

Via Zoom videoconferencing
On the record on Liberty at ABQ-MJ6thFloorSouth_20220429_133056.dcr

PLAINTIFF'S ATTORNEY PRESENT:

Joseph M. Romero

DEFENDANTS' ATTORNEYS PRESENT:

**Rodney Gabaldon
Meghan S. Nicholson**

OTHER PERSONS PRESENT:

**Brian Fitzgerald
Jessalyn Eaton
Catherine Ahring
Andrew Deakyne**

TYPE OF PROCEEDING: Evidentiary Hearing on Plaintiff's Motion to Compel
Time – 1 hour and 29 minutes

CLERK'S MINUTES:

- The Court held an evidentiary hearing on the record on Plaintiff's Motion to Compel and for Sanctions (Doc. 101).
- The hearing began at 1:31 p.m.
- The Court heard the sworn testimony of Mr. Fitzgerald, Ms. Eaton, and Ms. Ahring.
- Based on the witnesses' testimony, the Court ordered the following:
 - Defense counsel, Mr. Romero, Ms. Eaton, and Mr. Fitzgerald are to confer and determine what information in CMIS regarding the decedent can be printed out and what information cannot. Defense counsel are to produce to Mr. Romero any such information that can be printed out or otherwise produced in electronic format and counsel are to arrange a time for Mr. Romero to inspect any such information that cannot be produced in documentary or electronic form.
 - Mr. Fitzgerald is to produce the October 2021 and January 2022 e-mails regarding the decedent's inmate file on which he was copied.

- Mr. Fitzgerald is to confirm that Ms. Ahring's "J" and "P" drives and e-mails have been searched by this case's caption as well as by the decedent's name and inmate number.
 - Defense counsel are to: (a) identify the "point person" for each of the categories of NMCD inmate records Ms. Eaton and Ms. Ahring identified, (b) ensure that all of these persons have searched the records in their custody for any documents regarding the decedent, and (c) produce to Mr. Romero any additional records these persons are able to locate.
- Defendants are to produce any additional information located as a result of the above steps, as well as affidavits attesting that these steps have been taken, by **Friday, May 13, 2022**. Any inspection of CMIS records by Mr. Romero is also to take place by **Friday, May 13, 2022**.
- The parties are to submit a status report by **Friday, May 20, 2022**, informing the Court what steps they have taken to comply with the Court's directions, whether any additional information has been produced, and whether any additional hearing on Plaintiff's motion is requested. The parties should also submit any additional briefing or argument on Plaintiff's motion by **Friday, May 20, 2022**.
- The hearing recessed at 2:59 p.m.